

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BARBARA TWEED,

Plaintiff,

vs.

Case No. 05-70822  
HON. GEORGE CARAM STEEH

MICHIGAN LUMBER COMPANY,  
a Michigan corporation,

Defendant.

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ORDER DISMISSING ACTION WITHOUT PREJUDICE

Plaintiff has filed a motion to dismiss without prejudice, asserting a necessary additional plaintiff to this matter is a resident of Michigan, and that his joinder would destroy this court's subject matter jurisdiction, which is based on diversity of citizenship.

Plaintiff's motion requested that the order include plaintiff's costs, asserting that when consulted, defendant did not agree to dismissal without prejudice. However, defendant did not respond to the motion.

Because plaintiff is entitled to voluntary dismissal without prejudice, plaintiff's motion is hereby GRANTED. However, the court will decline to award costs.

IT IS SO ORDERED.

S/George Caram Steeh  
GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

Dated: October 18, 2005

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record on October 18, 2005, by electronic and/or ordinary mail.

S/Josephine Chaffee  
Secretary/Deputy Clerk